

REMARKS

Applicants have herein amended claims 14-21 and 25. The present amendment and entry of the Second Preliminary Amendment filed on June 16, 2003 will address the Examiner's objection under items 6 and 7 of the Office Action.

Restriction Between Groups I and II

Claims 14-21 now recite method claims and are dependent upon claim 1. Accordingly, Applicants believe that these groups are now directed to the same invention and respectfully request the Examiner to withdraw the restriction between Groups I and II.

Restriction Between Groups I and III

Claim 25 has been amended to clarify that it is dependent upon claim 1 and further defines contacting the mycobacteria with mycobacteriophage. Since this claim recites the method of claim 1 with a further limitation, it is believed that that these groups are now directed to the same invention and respectfully request the Examiner to withdraw the restriction between Groups II and III.

Election of Species

Applicants elect the following species. The claims readable upon the elected species are also indicated.

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|----|---|-----------------|--|
| A. | M. tuberculosis | - Claim 6 | |
| B. | Glycerol | - Claim 15 | |
| C. | Amino acid (in particular, asparagine) | - Claims 18, 19 | |
| D. | (aa) glycerol | - Claim 15 | |
| | Amino acid (in particular, asparagine) | - Claims 18, 19 | |
| | (bb) Biotin | - Claim 20 | |
| | (cc) Glutathione | - Claim 21 | |

Conclusion

With the amendment presented herein, Applicants believe Groups I, II and III do not lack unity of invention and request the Examiner to withdraw the restriction requirement. However, as required under 37 CFR 1.143, Applicants provisionally elect Group I and elect the relevant species as detailed above.

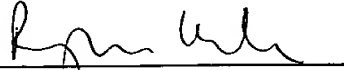
Application No. 09/914,659
Response to Restriction Requirement

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Please charge any fee due to Deposit Account No. 08-2442.

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